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FEDERAL COMMUNICATIONS COMMISSION
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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)

Amendment of Part 13 of the Rules)
to Privatize the Administration of)
Examinations for Commercial Radio)
Operator Licenses and to Clarify)
Certain Rules)

FO Docket No. 92-206

REPLY COMMENTS OF THE
NATIONAL MARINE ELECTRONICS ASSOCIATION

The National Marine Electronics Association (NMEA) is a trade association comprised of approximately 350 members who are manufacturers and servicing dealers of Marine Electronic Communications and Navigations equipment. The members of NMEA design, manufacture, install and maintain the equipment in the Maritime Industry, regulated by the FCC and other regulatory bodies.

The NMEA did not file initial comments to this NPRM. The short length of time and dates specified for submission of comments did not coincide with the NMEA Annual Convention which was scheduled for November 3 thru November 7, 1992. This NPRM was a matter of discussion at the NMEA Annual Convention.

In reply to those comments submitted, some extensive and all noteworthy, most do not seem to have a thorough knowledge of the special requirements of Part 80 of the Rules and recent major changes that are occurring within the Maritime Community, world-wide. Most notably is the implementation of the Global Marine Distress and Safety System (GMDSS) which requires amending the Communications Act of 1934 and the subsequent changes to the license structures currently in effect.

One major element that sets the maritime regulations apart from other communications licensing needs is the basic and fundamental foundation of Distress and Safety. The need to qualify and certify radio operators and maintainers for maritime is more than a simple indication of competency indicated by an industry issued certificate. Furthermore, many of the rules and regulations that govern the maritime community and Part 80 of the Rules are the result of and must comply with international regulations established by treaty.

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In reply to the comments submitted by Fredrick D. Maia, the NMEA believes that the system currently used in the Amateur Radio Service, using a network of volunteer examiners would not be suitable for commercial license testing.

Two proposals submitted, NARTE and NABER, are supported by 15 other commenters. Both NARTE and NABER are certification programs resulting from the FCC eliminating licenserequirements in the Land-Mobile Industry. While both of these programs are credible and well run, the NMEA does not believe that the testing entities should develop the tests or issue licenses. These functions should be under the direct supervision and control of the FCC. Test entities should only administer the actual testing.

The one proposal that seems to meet all of the criteria as set forth in the NPRM is that submitted by The Roach Organization, Inc. (TRO). Their proven system is high-tech and computerized which affords the FCC the direct control it should have and since they are not in the maritime communications industry, there should be no potential conflict -of- interest concern.

Regardless of how the FCC proceeds, the NMEA believes that the license issued as a result of private testing should continue to be an official document with all the penalties and responsibilities currently required.

While the NMEA is aware of the budgetary constraints imposed on the FCC and fully sympathetic to the Commission's problems, the NPRM has not been brought about at the best time. The implementation of GMDSS most likely will change the number and type of licenses required. Even before the affect of GMDSS can be addressed, the Communications Act must be amended by Congress. It does not seem reasonable to institute a new process for giving tests for licenses that may not exist in the near future. It is quite clear from the Report and Order to implement GMDSS, that there will be a definite division of license requirements between operators and maintainers.

The NMEA, in it's comments to the FCC regarding PR Docket No. 90-480 to implement GMDSS, suggested that the FCC appoint an industry advisory committee to produce a unified test and standard for certifying maintainers required by GMDSS. In it's Report and Order, the FCC encouraged the maritime industry to form such a committee. Consequently, the maritime industry responded and held a meeting in Washington, D.C. on August 31, 1992. The meeting was comprised of volunteers representing ship owners and ship owners associations, radio officer unions, a service provider company, a training school, the U.S. Coast Guard and the NMEA.

The meeting was held to specifically address maintainer qualifications and certification for GMDSS, as directed by the FCC. The result of the meeting was agreement by all parties that a unified test and certification program is necessary. A second meeting has been planned for some time in early December, 1992, to draft a format and plan, to be submitted to the FCC.

The NMEA requests that this industry advisory committee be officially recognized and allow its charge to be expanded to include all maritime operator and maintainer qualifications and certification. This then would allow the FCC to proceed with its plan to privatize the administering of current tests and allow industry the time to format new qualifications and tests for the license requirements resulting from GMDSS.

The NMEA thanks the FCC for the opportunity to express our opinions.

Respectfully submitted,
National Marine Electronics Association

by


Robert H. Sassaman
Executive Director, NMEA

Dated this 16 day of November, 1992.